

## REMARKS

Claims 2, 3, 12, 21, and 28, have been amended, claims 35-36 have been added, and claims 33-34 have been cancelled without prejudice. Accordingly, claims 2-32 and 35-36 remain pending in this application.

Claims 2, 3, 5, 6, 11-14, 17, 21-25, 28, 29 and 33 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,434,119 (hereinafter referred to as *Wiese*).

Claim 2 calls for a method that comprises establishing a communication channel between a first transceiver and a second transceiver in low power mode, determining, at the first transceiver, a training parameter in response to establishing the communication channel in the low power mode, performing training, at the first transceiver, based at least on the training parameter, and providing the training parameter to the second transceiver.

For reasons described below, *Wiese* fails to teach or disclose one or more features of claim 2. *Wiese* is directed to initializing communications in systems using multi-carrier modulation. With respect to the “determining a training parameter” feature of claim 2, the Examiner asserts that *Wiese*, at col. 7, lines 38-52, discloses determining a variable gain amplifier adjustment. See the Office Action, page 3. Thus, according to the Examiner, the term “training parameter” of claim 2 corresponds to the “variable gain amplifier adjustment” of *Wiese*. See the Office Action, page 3. Claim 2 further calls for providing the training parameter to the second transceiver. According to the Examiner, this claimed feature is taught by *Wiese* at col. 7, lines 53-61. However, this cited text by the Examiner does not teach providing the training parameter (*i.e.*, the “variable gain amplifier adjustment”) to the second transceiver (*i.e.*, the “remote system” in *Wiese*). Instead, the text relied upon by the Examiner, at col. 7, lines 53-61,

discusses the central unit transmitting training symbols to the remote unit. Thus, *Wiese* at least does not disclose “providing the training parameter to the second transceiver” feature of claim 2. In fact, *Wiese* teaches to the contrary to the position taken by the Examiner – *Wiese* teaches that the “variable gain amplifier adjustment” is not transmitted to the remote device, but rather is calculated by each respective side. See *Wiese* col. 7, lines 34-37 (the remote device provides rough adjustments to a variable gain amplifier), col. 7, lines 45-47 (the central unit may perform calculations to facilitate variable gain amplifier adjustments). Accordingly, for this reason alone, claim 2 and its dependent claims are allowable.

The Examiner further asserts that *Wiese*, at col. 7, lines 47-52, teaches the claimed feature of “performing training in response to determining the training parameter.” The Applicant disagrees. The text relied upon by the Examiner describes various sub-channels that may be used to transmit the synchronization symbols. Thus, this cited text does not describe performing training in response to determining the training parameter.

The other pending claims are allowable for at least one or more of the reasons discussed above.

The Examiner has rejected claims 4, 15, 30-32, and 34 under 35 U.S.C. § 103(a) as being unpatentable over *Wiese*. Claims 30, 31, 32, and 34 call for selecting a power level based on previously stored priori power level estimations, and claims 4 and 15 specify that the low power mode includes a cutback in the range of 0-30 dB. The Examiner has failed to provide any references that teach any of these claimed features. Because the Office **cites no references** to support this “obviousness” assertion, the Applicant infers that the Examiner makes this assertion

based on **personal knowledge**. However, no **supporting affidavit** has been made of record. The Applicant respectfully requests that prior art be provided to substantiate this "obviousness" assertion or that an **affidavit** be filed in accordance with **37 C.F.R. § 1.104(d)(2)**, which states (emphasis added):

(2) When a rejection in an application is based on facts **within the personal knowledge** of an employee of the Office, the data shall be as specific as possible, and **the reference *must* be supported, when called for by the applicant, by the affidavit of such employee**, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Consequently, the Applicant respectfully and seasonably requests the Office to either (1) **cite a reference** in support of this position, or (2) **provide a Rule 104(d)(2) affidavit** from the Examiner supporting any **facts within the personal knowledge of the Examiner**, as also set forth in **M.P.E.P. § 2144.03**.

In light of the arguments presented above, Applicant respectfully asserts that the pending claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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CUSTOMER NO. 23720

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By: \_\_\_\_\_



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